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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 ASTARTE DAVIS-RICE,)

No. C 07-6483 MMC (PR)

9 Plaintiff,)

**ORDER OF DISMISSAL;
DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS**

10 v.)

11 UNITED STATES OF AMERICA,)

(Docket No. 2)

12 Defendant.)
13 _____)

14 On December 27, 2007, plaintiff, a federal prisoner proceeding pro se, filed the above-
15 titled civil action under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680. That
16 same date, the Court notified plaintiff in writing that the action was deficient due to
17 plaintiff's failure to pay the requisite filing fee or, instead, to submit a completed court-
18 approved in forma pauperis ("IFP") application. In said notice, plaintiff was advised that her
19 failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty
20 days, would result in dismissal of the action. Along with said notice, plaintiff was sent a
21 copy of the Court's IFP application, instructions for completing it, and a return envelope.

22 On February 5, 2008, the Clerk of Court received from a plaintiff a letter in which
23 plaintiff wrote that she had paid the \$350.00 filing fee in the instant case on January 22,
24 2008, and asked whether she could proceed to serve the complaint. (Docket No. 4.) After
25 receiving plaintiff's letter, the Clerk requested from the court's financial office a copy of the
26 receipt that would have been generated when the filing fee was paid; to date, the financial
27 office has found no record that the filing fee was ever paid.

28 Accordingly, as more than thirty days have passed since the deficiency notice,

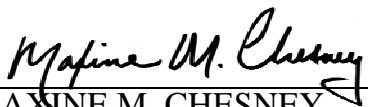
1 plaintiff has not completed the IFP application, and there is no court record showing that
2 plaintiff has paid the filing fee, plaintiff's application for leave to proceed IFP is hereby
3 DENIED, and the above-titled action is hereby DISMISSED without prejudice. If plaintiff
4 can provide the Court with proof that she paid the filing fee (for example, by providing a
5 Clerk's office receipt or a cancelled check), she may move to reopen the action.

6 This order terminates Docket No. 2.

7 The Clerk shall close the file.

8 IT IS SO ORDERED.

9 DATED: April 16, 2008

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11 MAXINE M. CHESNEY
12 United States District Judge
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